

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RONALD BERRY,

Plaintiff,

-v-

CITY OF NEW YORK, et al.,

Defendants.

<b>USDC SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
<b>DOC #:</b> _____
<b>DATE FILED:</b> <u>03/08/2024</u>

22-CV-05969 (MMG)

**ORDER**

MARGARET M. GARNETT, District Judge:

The Court having been advised by the parties that all claims against Defendants the City of New York, Yeuris Mejia, Eric Larson, and Jimmy Freyr (collectively, the “City Defendants”) asserted herein have been settled, *see* Dkt. No. 81, the Clerk of Court is respectfully directed to terminate the City Defendants from this action, without prejudice to the right to reopen the action **within 30 days** of this Order if the settlement is not consummated.

The Court also understands that Plaintiff does not oppose the pending motion to dismiss filed by Defendants New York City Transit Authority and Michael Herrer (together, the “Transit Authority Defendants”). *See* Dkt. No. 81 (“I do not intend to oppose that motion. ... Your Honor can simply grant the motion.”) The Court interprets this as a stipulation to voluntary dismissal with prejudice as to all claims against Defendant New York City Transit Authority, and claims two, three, four and six against Defendant Herer. *See* Dkt. No. 62. The Clerk of Court is therefore respectfully directed to terminate Dkt. No. 62.

Furthermore, it is HEREBY ORDERED that **no later than March 13, 2024**, any party that believes any claims or parties remain unresolved in this case shall file a letter on ECF identifying any such party or claim. If no such letter is filed by any party, the Court will view this entire matter as dismissed, without prejudice to the right to reopen the action **within 30 days** of this Order if the settlement is not consummated.

Any application to reopen **must** be filed **within 30 days of this Order**; any application to reopen filed thereafter may be denied solely on that basis.

If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they **must** submit the settlement agreement to the Court by the deadline to reopen to be “so ordered” by the Court. Unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

SO ORDERED.

Dated: March 8, 2024  
New York, New York



---

MARGARET M. GARNETT  
United States District Judge